



Public Notice

U.S. Army Corps	Permit Application No: _____	23569
Of Engineers	Date Issued: _____	30 November 2004
Galveston District	Comments Due: _____	3 January 2005

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: City of Corpus Christi
1201 Leopard Street
Corpus Christi, Texas 78401-2120

AGENT: Shiner Moseley and Associates, Inc.
555 North Carancahua Street, Suite 1650
Corpus Christi, Texas 78478-0010
Telephone: 361-857-2211
POC: Samantha Domsalla

LOCATION: The project is located along Pita Channel, across the Gulf Intracoastal Waterway (GIWW) and along the Nueces/Kleberg County line from Bluff Landing near the southern end of Laguna Shores Road in Flour Bluff to Park Road 22 on North Padre Island, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Pita Island, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 14; Beginning in Flour Bluff at Easting 668112; Northing 3055143 and ending on Padre Island at Easting 675351; Northing 3052817. The pipeline would cross the GIWW (open-trenching) perpendicularly beginning on the east side of the GIWW at approximately 671400E; 3052853N and ending at 671576E; 3052800N.

PROJECT DESCRIPTION: The applicant proposes to construct approximately five miles of 42-inch (inside diameter) pipeline to begin in Flour Bluff directly south of a private canal at Bluff Landing at the end of Whiteley Road, and end at an existing waterline on the east side of Park Road 22 on North Padre Island. The line would be mechanically trenched within existing channels from the shoreline in Flour Bluff, across the Laguna Madre and across the GIWW to the Dredge Material Placement Island (DMPA 178) directly east of the GIWW. From DMPA 178 to Padre Island, the applicant proposes to directionally drill the pipeline. The directional bore would begin at a temporary drill pad situated at the terminus of a permitted, undeveloped peninsula adjacent to Sea Pines Street to a temporary exit pad located on DMPA 178 adjacent to Pita Channel. The remaining portion of the line will be trenched through uplands from the drill pad (entry point) to the east side of Park Road 22, along an existing street right-of-way.

The pipeline would be constructed by mechanically trenching pipeline segments into place from the beginning point in Flour Bluff to DMPA 178 (sheets 3 through 5 of 11). The trench material would be temporarily sidecast within the existing small-craft channel and used to cover the pipe once it is laid. The width of the trench and slope of its sidewalls, as well as the dimensions of the placement area, will be determined in the field and will depend on the stability of the side-slope and consistency of the sediment. The applicant reports they will keep the trench width the minimum width possible and would not exceed 25 feet wide. The trenched depth of the top of the pipe would be approximately 4 feet below the bottom of the existing small boat channels. The trenching activities would be confined to a corridor no wider than 80 feet. The applicant proposes to use turbidity curtains constructed of impervious material with a flotation collar and a weighted skirt that reaches the bottom of the water column on either side of the work corridor where mechanical trenching would be done (sheet 11 of 11). The turbidity curtains would extend a minimum of 400 feet ahead of and behind construction activities at all times.

Mechanical trenching through the GIWW would be accomplished by one of two methods: hydraulic jetting or the use of cofferdams. The method will be chosen at the time of construction based on existing conditions and other geo-technical data. Hydraulic jetting would involve extensive use of turbidity curtains around construction area and possible need to import fill material to replace that which cannot be recovered to refill the trench. In this scenario, the GIWW would not have to be completely closed and boat traffic could be facilitated on a limited basis. The other option is to install cofferdams, dewater the hole, and mechanically trench the line for installation. This method would minimize the amount of sediment that is suspended during construction activities, but would require closure of the GIWW for several days. Where the pipeline crosses the GIWW, the top of the pipeline would be trenched to a depth 20 feet below the bottom of the channel.

On the east side of the GIWW, between the east edge of the GIWW to DMPA 178, the applicant proposes to dredge a temporary access channel that would be 430 feet long and 80 feet wide to a depth of -4.0 feet MLT (see sheet 9 of 11). The 80- by 430-foot channel would be excavated from an area that contains approximately 34,000 square feet (0.79 acre) of sea grasses. The excavated channel would provide access for the work barge and directional bore equipment as well as the trench into which the pipeline would be laid between the GIWW and DMPA 178. The material excavated from the access channel would be temporarily placed on DMPA 178. Upon completion of work, the access channel would be restored to pre-construction contours.

The directionally drilled portion of the pipeline installation would begin on Padre Island and work toward DMPA 178 (sheet 6 of 11). The directional bore would require temporary construction of a drill entry pad situated in a permitted channel at the terminus of an undeveloped peninsula adjacent to Sea Pines Street on Padre Island (sheet 8 of 11). The entry pad would require fill material in 1.6 acres of waters of the United States. The fill material would be removed upon completion of the project, and the area returned to pre-construction contours. The exit pad would be located on DMPA 178. The exit pad would be located entirely on upland portions of DMPA 178. The actual pipeline would be floated along the Pita Island Channel and pulled toward Padre Island underground to the shoreline. The bore entry drill pad will be removed and returned to pre-construction contours once installation is complete. The mechanically trenched and the directionally bored pipeline segments would be joined on DMPA 178. The pipeline would have a minimum of 6 feet of cover where it traverses the DMPA 178.

The applicant has stated that engineering limitations dictate the length that a 42-inch line may be directionally bored and that those limitations prevent the applicant from including the portion of the pipeline under the GIWW in the directional bore. The applicant stated that a 42-inch pipe cannot span the distance from the drill pad site, past DMPA 178 and across the GIWW. The applicant's plans are enclosed in 11 sheets.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with U.S. Army Corps of Engineers (USACE) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation is being conducted within the permit area. A report of the investigation will be submitted the USACE and Texas Historical Commission upon completion.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **3 January 2005**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

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U.S. Army Corps of Engineers
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Corpus Christi, Texas 78411-4318
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